

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

DELIA GARCIA,
Claimant-Appellant

v.

**DENIS MCDONOUGH, Secretary of Veterans Af-
fairs,**
Respondent-Appellee

2023-1656

Appeal from the United States Court of Appeals for
Veterans Claims in No. 18-6558.

Before LOURIE, HUGHES, and CUNNINGHAM, *Circuit
Judges.*

PER CURIAM.

O R D E R

In response to this court's May 9, 2023, show cause order, the Secretary of Veterans Affairs urges dismissal of this appeal as untimely. Delia Garcia responds, requesting "an opportunity [to] lay out [her] entire case." ECF No. 9 at 3.

The United States Court of Appeals for Veterans Claims entered judgment in this case on September 7,

2022. In March 2023, the Veterans Court received Ms. Garcia's notice of appeal.*

To be timely, a notice of appeal must be received by the Veterans Court within 60 days of the entry of judgment. *See* 38 U.S.C. § 7292(a); *see also* 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1)(B). Like appeals from district courts, the statutorily prescribed time for filing appeals from the Veterans Court to this court is mandatory and jurisdictional, meaning that we cannot take account of individual circumstances for the untimely filing. *See Wagner v. Shinseki*, 733 F.3d 1343, 1348 (Fed. Cir. 2013); *see also Henderson v. Shinseki*, 562 U.S. 428, 438–39 (2011) (indicating jurisdictional restrictions on the time for taking an appeal under section 7292(a)). Because Ms. Garcia's notice of appeal was not filed within 60 days of any final judgment or order of the Veterans Court, we must dismiss the appeal.

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT

July 27, 2023
Date

/s/ Jarrett B. Perlow
Jarrett B. Perlow
Clerk of Court

* The notice indicated Ms. Garcia was seeking review of a final judgment or order entered on "2/26/23," though the Veterans Court docket in the identified proceeding does not reflect any entry between November 8, 2022, and March 2023.